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NEWS RELEASE

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An Equal Voice
by Senator Larry Craig

“The Senate is the living symbol of our union of states.” This inscription on the Dirksen Senate Office Building in Washington, D.C., explains a lot about our republic and how the Founding Fathers intended it to function. Because each state has two senators, every state in the union has an equal voice. I have always believed, however, that this principle should not be limited to the legislative branch of government.

Each state should have a say in how the executive and judicial branches are run as well. That’s why I’m very pleased that an Idahoan, Randy Smith, was recently sworn in as a judge on the Ninth U.S. Circuit Court of Appeals.

The Ninth Circuit is the federal court tasked with hearing appeals from lower federal courts in the western United States. There are 13 courts of appeals in the U.S. and its territories, and the Ninth Circuit is the largest. Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Guam and the Northern Mariana Islands are all included in the Ninth Circuit. This court is the biggest of the 13 because of the extraordinary economic and population growth in the West. It has 28 active judgeships.

By all accounts, Randy Smith is phenomenally well-qualified to take a seat on this court, earning strong praise from both sides of the political aisle. Nearly everyone who worked with him came away impressed by Randy’s professionalism, consistency, clarity and his knowledge – not only of the law – but of the cases before him. That’s why I was happy to point out to all gathered at his recent investiture that a judgeship on the Ninth Circuit isn’t something that just happens to you – you earn it. Randy Smith has definitely earned it.

Of course, some might question why it matters for Idaho to have a voice in the judicial branch. They might point out that judges are supposed to be impartial, and their personal philosophy or experiences shouldn’t influence how they judge a case. That is true, to a point.

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In theory, a judge from Maine ought to reach the same decision in a case as a judge from Arizona. But issues can have different significance to different regions. Indeed, Congress recognized that there can even be diversity within distinct geographic regions of America. The unique characteristics of a State may shape the relevant experience and, hence, perspective of a judge from that State. That's part of the reason why Congress changed federal law in 1997 to ensure that on every federal Court of Appeals there would be at least one circuit judge appointed from among the residents of each State contained in that federal circuit.

Having presided, in his career in Idaho, over more than 6,000 criminal and civil cases, 50 trials and 100 appeals, and having mediated more than 700 state and federal cases, Randy Smith understands Idaho law and the issues facing the people of our state. President Bush could not have made a better choice.

I'm proud to have had the opportunity to work with Randy in the past, and look forward to what will certainly be a bright career in the federal system. Congratulations, Randy. I know you'll do us all proud in sharing Idaho's voice with the Ninth Circuit.